

September 20, 2023
AD 4
Court No.14
SG

WPA 19874 of 2023

Prabir Kumar Roy
vs
State of West Bengal and others

Mr. Rajib Kumar Kundu
... for the petitioner
Ms. Jhuma Chakraborty
Mr. Parikshit Goswami
... for the State
Mr. Sudhangshu Nath
... for the private respondents

Learned advocate appearing for the petitioner submits as follows. The petitioner has alleged police inaction in registering an FIR under lesser charges and in not conducting the investigation properly. Recently, the earlier investigating officer of the case has been transferred and a new investigating officer has taken up the investigation of the case. The statement of the lady partner of the petitioner has been recorded under Section 164 of Cr.P.C. No recovery has been made out.

Learned advocate for the State relies on the report and submits as follows. Out of four accused, three accused are on bail. Notices have given under Section 41A of the Code, but the accused are not cooperating.

Learned advocate for the private respondents submits as follows. The allegations made in the writ petition are denied. The private respondents have not committed any offence at all. If proper investigation is done, it will be revealed that the petitioner is at fault.

If the accused are not cooperating by responding to the notice under Section 41A of the Code, there are means available to the investigating officer to deal with the same.

The private respondents shall cooperate with the investigation.

It appears that the statement of the victim has been recorded under Section 164 of the Code.

The investigation of the alleged offence shall be concluded expeditiously and in accordance with law.

The presence of the investigating officer along with the case diary is noted and is dispensed with.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]